REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-20 remain pending in the case. Claims 1-20 are rejected. Claims 1, 8 and 15 have been amended. No new matter has been added.

For example, support for the amendments to the independent Claims 1, 8 and 15 can be found among other places in the instant application serial number 10/045,996 at page 1 lines 23-24, page 3 lines 14-17, and page 4 lines 7-9. Page 1 lines 23-24 state, "...software packages available today have a rigid structure and are poorly suited to customization. Since the available applications cannot be tailored to suit the user's needs, a user must either do without a specific capability, or acquire considerably more capabilities than they desire." Page 3 lines 14-17 state, "...automatic generation of a supply chain model based upon input data concerning product demand and the parts and products that flow through activity centers such as factories, hubs, depots and the like." Page 4 lines 7-9 state, "...for building a supply chain model and then using the model to design and execute alternative supply chain scenarios."

Response to Arguments

The last two Office Actions dated October 24, 2005 and April 13, 2006 respectively, cited paragraphs 0073, 0077, 0082, and 0086 of the Patent Application Publication 2002/0169658 by Adler (referred to herein as "Adler") in rejecting the independent Claims 1, 8 and 15 of the instant application serial no. 10/045,996. Adler's filing date is after the instant application's filing date. In order to qualify as prior art, Adler must rely on the filing date of the provisional application serial no. 60/274,328 (referred to hereinafter as the "provisional application"). Further, the provisional application must provide support for the portions of Adler that are being used to reject embodiments of the instant application.

Applicants have obtained a copy of the provisional application. Applicants maintain that the provisional application does not provide support for the paragraphs 0073, 0077, 0082, and 0086 of Adler that the Office Action is using as a basis for rejecting the independent Claims 1, 8 and 15. For example, paragraph 0073 includes a description of Fig. 1A however the provisional application does not contain Fig. 1A. In another example, Applicants could not find all of the content of paragraph 0082 in the provisional application. In a third example, Applicants did not find the contents of paragraph 0086 in the provisional application. If the Examiner decides to cite Adler against embodiments of the instant application in future Office Actions, Applicants request that the Examiner cite portions of the provisional application rather than citing portions of the Patent Application Publication 2002/0169658.

35 U.S.C. §103(a) – Claims 1-20

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication 2002/0169658 by Adler, hereinafter referred to as the "Adler" reference, in view of United States Patent 6,622,056 by Lindell, hereinafter referred to as the "Lindell" reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-20 are neither taught nor suggested by Adler or Lindell, alone or in combination.

Claim 8 recites,

A method for performing alternative supply chain analysis comprising the steps of:

a) classifying and naming nodes in a supply chain;

b) classifying and naming objects flowing through said supply chain;

c) building a supply chain model using said classifications and said names of said nodes and said objects, wherein said supply chain model is automatically built to have desired capabilities;

d) inputting data to said supply chain model to enable designing at least one supply chain scenario; and

e) using said supply chain model for said designing of said at least one supply chain scenario.

Applicants respectfully assert that neither Adler nor Lindell, alone or in combination, teach or suggest, "building a supply chain model... wherein said supply chain model is automatically built to have desired capabilities," as recited by Claim 8.

For example, Adler teaches a system and method for modeling and analyzing strategic business decisions. For example, in the abstract, Adler states,

> A set of modeling and analysis tools is provided to help companies make informed strategic decisions in complex, rapidly changing market environments. Outcomes of candidate decisions are simulated over time, under different evolutionary scenarios that reflect assumptions about trends in a market and the overall economy, and the likely behavior of individual businesses. ...Applications include supporting strategic decision making pertaining to business issues such as B2B channel strategies, mergers & acquisitions, creating (or dropping) products, business units, or production capacity, and to strategic decision making in military legislative, healthcare, environmental, political, and other non-business domains. (emphasis added)

For example in paragraphs 0073 to 0075, Adler provides more details about his invention. In paragraph 0073 Alder states, "The present invention supports systematic decision-making by synthesizing the conceptual strategic modeling technique of scenario-based planning (SBP) with concrete simulations of the scenario-based models...The SBP process is initiated by specifying the initial state of the world at an initial time" (emphasis added). In paragraph 0074, Alder states, "The second step of the SBP is to define scenarios 12, which specify known data and assumptions pertaining to the decision domain, elements-players, passive and environmental objects." In paragraph 0075 Adler states,

> The final step of the SBP is to specify the set of decision options to be assessed 14...In the B2B marketplace setting, a business might define

several courses of action: build their own B2B marketplace, join an existing marketplace-1, join some other marketplace-2, or both build a marketplace and join EMktplace1... The simulation engine is then executed to project the state of the world 13 at a future time 1+∂t from the domain models, scenarios, and decision options. (emphasis added)

In the "Simulation Tools" section from paragraphs 0092 to 0096, Adler further describes his simulation tool/simulation engine. For example, in paragraph 0092, Adler states that "The GUI is used to select the domain model, scenario, and decision option to be loaded into the system...whereupon the other similar GUI controls can be used to initiate, monitor, and suspend the simulation engine." In paragraph 0094 Adler states, that in one embodiment, "...parallel discrete event techniques for simulating CAS, variously known as 'artificial life' or agent-based modeling" are used. In paragraph 0095 Adler states, "The second exemplary aspect of the execution engine applies statistical simulation methods, known as (Markov chain) Monte Carlo programming." In paragraph 0096 Adler states, "The third exemplar simulation technique exploits another synthesis of statistics and artificial intelligence. This technique, called genetic algorithms is patterned after the reproduction of the DNA in biological systems."

Alder never claims that his simulation engine is automatically generated or built. In fact Alder even states in 0073 that the simulation is "concrete." Alder speaks to the types of functions the simulation engine can perform and that it is "executed" in order to perform those functions. Therefore, Adler's simulation engine is created once using traditional methods of a programmer writing the instructions for the simulation engine and the instructions for the simulation engine do not change thereafter. Alder does assert that his simulation engine can provide various types of functionality and outputs but the various types of functionality and outputs do not mean that his simulation engine is automatically generated or built. Therefore, Adler can not teach or suggest, "wherein said

supply chain model is automatically built to have desired capabilities," as recited by Claim 8.

The Office Action asserts that Adler teaches building "a supply chain model" at paragraph 0077. Paragraph 0077 states,

> The present invention models industrial markets in terms of a set of demographic, statistical, and qualitative characteristics, including numbers of businesses, broken down into buyer, seller, and trader categories, estimated distributions of market shares, market size, growth rate, and the nature of products and services being traded.

Therefore, paragraph 0077 states that Adler provides for various types of functionality and outputs. However, paragraph 0077 says nothing about any part of Adler's system being generated or built let alone being automatically generated or built.

For the foregoing reasons Claim 8 should be patentable over Adler. Claims 1 and 15 should be patentable over Adler for similar reasons that Claim 8 should be patentable over Adler.

Further, Claim 1 recites, "a spreadsheet application having a macro programming capability" and "a supply chain model automatically generated by said supply chain model builder using inputs from said spreadsheet application." However, Adler teaches away from spreadsheets for example in paragraph 0008 where Adler states, "More seriously, conventional decision support tools such as spread sheets and decision trees fall far short of meeting actually business requirements for making considered strategic decisions about sales channels, mergers & acquisitions, and the like." Therefore, Adler cannot teach or suggest "a spreadsheet" let alone teach or suggest "a supply chain model automatically generated by said supply chain model builder using inputs from said spreadsheet application." Further, note that the Office Action failed to cite any portion of any

reference against "a spreadsheet application having a macro programming capability," as recited by Claim 1.

Lindell does not remedy the deficiencies in Adler in that neither Lindell nor Adler teach or suggest, among other things, "wherein said supply chain model is automatically built to have desired capabilities," as recited by Claim 8. In fact, the Office Action does not even assert that Lindell teaches "a supply chain model" let alone building or generating a supply chain model. For the foregoing reasons, Claim 8 should be patentable over Adler and Lindell, alone or in combination. Claims 1 and 15 should be patentable over Lindell for similar reasons.

Claims 2-7 depend on Claim 1. Claims 9-14 depend on Claim 8. Claims 16-20 depend on Claim 15. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations. Therefore, the dependent claims should be patentable for at least the reasons that their respective dependent claims should be patentable.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-20 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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